

**REAL ESTATE APPRAISERS BOARD MEETING  
MINUTES  
MAY 12, 2004**

**PRESENT:** Patrick Buckett, Sharon Fiedler, LaMarr Franklin, Mark Kowbel, and Roger Roslansky

**STAFF PRESENT:** Jerry Lowrie, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Pam Meicher, Program Assistant; Division of Enforcement Staff, Lydia Bridge, and Dr. Barbara Showers.

**GUESTS:** Karen Scott  
Debbie Conrad, Wisconsin Realtors Association  
Norman D. Farnam

**CALL TO ORDER**

LaMarr Franklin called the meeting to order at 9:01 a.m. A quorum of five voting members was present.

**AGENDA**

**Additions to Agenda:**

- Add Stipulation to Item 15 d. viii. – Darrin Lebrun

**MOTION:** Patrick Buckett moved, seconded by Roger Roslansky, to adopt the agenda with addition. Motion carried unanimously.

**APPROVAL OF MINUTES FEBRUARY 11, 2004**

**MOTION:** Patrick Buckett moved, seconded by Sharon Fiedler, to approve the minutes of February 11, 2004 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Mr. Lowrie introduced Karen Scott as the new Board member who is replacing Patrick Buckett.

**BOARD ROSTER**

The Board questioned the professional assessor and public member vacancies on the Board.

**2004 MEETING DATES**

The next Board meeting is scheduled for August 12, 2004.

## **SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES**

Noted.

### **TO-DO LIST**

Noted.

### **REGULATORY DIGEST ARTICLES**

No discussion.

### **ADMINISTRATIVE REFORM BILL**

Mr. Lowrie reported on the new “Changes to Administrative Rule-Making Procedures Required in 2003 Wisconsin Act 118.” These changes will require more research regarding rule-making procedures. Some changes include private sector fiscal estimates, additions to scope statements, additions to draft rule reports and additions to legislative reports.

### **CHANGES TO RENEWAL AND TEMPORARY BLUE LICENSES**

Mr. Lowrie reported that starting April 1, 2004 the blue renewal license form and the temporary license form had been changed to be the bottom third of a full-size sheet of paper. It will have horizontal and vertical perforations to remove it from the rest of the sheet. While the sizing will be a bit different for the bigger part of the license, it will be quite close in shape to what we currently have and the wallet card will be the same size. Advantages are:

1. licenses can be printed from regular laser printers;
2. several security features in the paper the Department is purchasing, including the watermark on the back and some invisible fibers;
3. ability to print one mailing address at the top of the form and a different physical address on the actual license (This is great for establishments that cannot receive mail at the actual location); and
4. additional sequence numbering allowed above the mailing address, which will help in the machine inserting process at DOA at renewal time.

### **AARO NEWS**

Information only.

### **LEGISLATION AND ADMINISTRATIVE RULES RL 80-87**

Ms. Jefferson-Moore distributed a chart on RE Appraisers Education and Experience Requirements, which show the significant changes in the RL rules and the new AQB requirements.

The legislature has 30 days to review the rules, if they have no objections to the rules, they will go out for publication, and be effective on July 1, 2004. Applications received after July 1, 2004 will be required to show proof of obtaining 2000 hours of experience.

Mr. Lowrie discussed Act 118 and the methodologies used for rule changes.

#### **SCOPE STATEMENT – INCORPORATION OF 2005 USPAP BY REFERENCE**

Ms. Jefferson-Moore and Mr. Lowrie will draft a scope statement in order to incorporate 2005 USPAP by reference changes.

**MOTION:** Roger Roslansky moved, seconded by Sharon Fiedler, to designate Mark Kowbel to review and approve the scope statement as it relates to incorporation of 2005 USPAP by reference. Motion carried unanimously.

#### **SCOPE STATEMENT – REVISIONS TO CHAPTERS RL 80-87**

The new AQB requirements will require changes to the RL 80-87 rules. Ms. Jefferson-Moore and Mr. Lowrie will draft a scope statement.

**MOTION:** Sharon Fiedler moved, seconded by Roger Roslansky, to designate Mark Kowbel to review and approve the scope statement to incorporate rule changes to RL 80-87. Motion carried unanimously.

#### **PROPERTY FLIPPING – REDRAFT OF BILL LRB 3347/2**

Representative Lena C. Taylor may redraft and reintroduced this Bill in January 2005.

#### **SELLER ASSISTED FINANCING – ASSEMBLY BILL 696**

The Board reviewed and discussed Assembly Bill 696 related to seller assisted financing on the real estate transfer return. This Bill did not make it through the legislature.

The Board has concerns regarding inflated sale prices of homes. The Board will follow-up on Assembly Bill 696 to see if has been reintroduced and in the event future issues may come up.

The Board would like to invite the Internal Revenue group to the next board meeting to discuss inflated sale prices of homes.

#### **BOARD MEMBER ACTIVITY**

Discussed previously.

**EDUCATION, EXPERIENCE AND EXAMINATION ISSUES  
REPORT OF THE REA EDUCATION AND EXPERIENCE ADVISORY COMMITTEE  
MEETING OF MAY 11, 2004**

Ms. Jefferson-Moore reported on the REA Education and Experience Advisory Committee meeting on May 11, 2004.

The Committee discussed implementation of the new AQB requirements core curriculum. Dr. Barbara Showers requested that the Board set an effective date and let the schools determine how long it will take them to get their curriculum in place as each school may have a different timeline in implementing their curriculum.

January 1, 2008 is the mandatory date for schools to implement the core curriculum. Beginning in January 2007, courses offered by schools could include the core curriculum. Schools have indicated that they could start the new core curriculum for the fall semester of 2005.

The REA Education and Experience Advisory Committee will discuss setting a date for schools to implement the new core curriculum on August 10, 2004. The Committee will review data from other jurisdictions prior to setting a date for schools to implement the core curriculum. The Board will wait for a recommendation from the Committee prior to establishing an effective date.

**MOTION:** Sharon Fiedler moved, seconded by Mark Kowbel, to match the AQB core curriculum in terms of hours and education as recommended by the REA Education and /Experience Advisory Committee and Appraisal Qualification Board.. Motion carried unanimously.

**STATUS OF INTERNSHIP PROJECT**

Larry Sager, MATC will be instructing the first internship project to assist applicants in attaining the 2000 experience hour requirement of AQB beginning July 7, 2004.

**CONTINUING EDUCATION REQUIREMENTS  
CONTINUING EDUCATION AUDIT**

Lydia Bridge reported that the Department audited 109 appraisers for continuing education. Fourteen licensed appraisers signed the affidavit attesting to the fact that they had completed the CE requirement, when they did not have the required 28 hours of continuing education, nor comply with USPAP four hour requirement and were referred to the Division of Enforcement for non-compliance.

**DISCUSSION RELATING TO RESULTS OF 2004 AUDIT**

Appraisal Subcommittee considers states that audit continuing education at renewal time an affidavit state and would like these states to do more when checking on continuing education especially if they have 10% non-compliance for continuing education. The Appraisal

Subcommittee would like a list of courses submitted with each renewal and have the Department review these courses prior to renewing their license. This process would be time consuming and would take more staff time. Renewal notices and payments go to a lock box. This system would be unable to accept lists of courses completed for CE.

Dr. Showers has proposed that the Department contract out the accounting of continuing education to a central database for each person. The contractors would check and monitor courses. Due to resources, and tight resource times for collecting data this will require additional resources beyond the Department staff.

Dr. Showers requested additional comments from the Board regarding the Appraisal Subcommittee's request for a response by June 1, 2004.

**MOTION:** Mark Kowbel moved, seconded by Roger Roslansky, to support Dr. Barbara Shower's position on continuing education and monitoring and approve sending a letter in support of Dr. Shower's position on CE. Motion carried unanimously.

#### **DISCUSSION AND APPROVAL OF REFERRAL OF NAMES OF CREDENTIAL HOLDERS TO THE APPRAISAL SUBCOMMITTEE – LYDIA BRIDGE**

**MOTION:** Sharon Fiedler moved, seconded by Patrick Buckett, to authorize the Department to send a letter to the Appraisal Subcommittee providing names of credential holders, who did not complete their continuing education requirement. Motion carried unanimously.

#### **PRACTICE ISSUES UNAUTHORIZED PRACTICE OF LAW UPDATE**

Mr. Lowrie gave a brief update on the practice of law issue. Creating a commission is still under discussion. The State Bar's mission statement did not provide a true definition of what constitutes the practice of law nor did it site examples of persons practicing outside of their scope. Cost of creating the Commission would be the responsibility of the State Bar. The Board reviewed Secretary Donsia Strong Hill's letter to the Clerk of Wisconsin Supreme Court in support of the Boards.

#### **APPRAISAL SUBCOMMITTEE RESPONSE TO FIELD REVIEW LETTER – BEN HENSEN**

Discussed previously.

#### **APPRAISAL FOUNDATION APPRAISER QUALIFICATIONS BOARD ADOPTION OF SIXTH EXPOSURE DRAFT**

The Board reviewed and discussed the Sixth Exposure Draft from AQB. The AQB has adopted the sixth exposure draft and the implementation date will be January 1, 2008.

The Appraisal Subcommittee is proposing to amend ASC Policy Statement 10. The amendments are intended to provide State appraiser regulatory agencies with guidance on their acceptance of affidavits and other affirmations concerning experience and education for initial certification, credential upgrade to certification, and certification renewal. The ASC requested comments from the state Boards on the proposed amendment to Policy Statement 10 by June 1, 2004.

### **APPRAISAL STANDARDS BOARD DISCUSSION OF SECOND EXPOSURE DRAFT RELATING TO 2005 RSPAP**

The Board reviewed and discussed the Second Exposure Draft on proposed revisions to the 2004 Edition of the Uniform Standards of Professional Appraisal Practice (USPAP). The Appraisal Standards Board has requested written comments prior to June 9, 2004. The Board will forward their written comments to Ms. Jefferson-Moore.

### **PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT**

Paul D. Allen – 01 APP 033, 01 APP 013 and 02 APP 0151  
Dwain L. Johnson – 02 APP 033  
Dean A. Parkin - 02 APP 050  
Joseph P. Haselwander – 99 APP 015, 01 APP 008 and 01 APP 036  
Robert H. Clewlow 99 APP 017  
Paul J. Shore – 99 APP 007  
Raymond A. Christ - 03 APP 003  
Darrin J. Lebrun – 03 APP 014

Mark Herman, DOE, presented the Proposed Stipulations in the matters of Paul D. Allen, Dwain L. Johnson, Dean A. Parkin, Joseph Haselwander, and Robert H. Clewlow.

Jack Temby, DOE, presented the Proposed Stipulations in the matter of Paul J. Shore, and Raymond A. Christ.

Claudia Miran, DOE, presented the Proposed Stipulation in the matter of Darrin J. Lebrun, and Attorney Norman D. Farnum represented the respondent.

### **INFORMATIONAL MATTERS**

The Board invited Karen Scott to join them in closed session.

### **CLOSED SESSION**

**MOTION:** Sharon Fiedler moved, seconded by Roger Roslansky, to convene to Closed Session to deliberate on cases involving hearings (s. 19.85 (11) (a), Stats.); to consider licensure or discipline (s. 19.85(1) (b), Stats. to consider individual histories or disciplinary data (s. 19.85(1) (f), Stats.); and to confer with legal counsel (s. 19.85(1) (g), Stats. Motion carried by

roll call vote: Patrick Buckett-yes, Sharon Fiedler-yes, Mark Kowbel-yes, Roger Roslansky-yes, LaMarr Franklin-yes.

Open Session recessed at 11:05 a.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Roger Roslansky moved, seconded by Patrick Buckett, to reconvene into Open Session at 12:27 p.m. Motion carried unanimously.

### **VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION, IF VOTING IS APPROPRIATE**

#### **MONITORING REPORT PATRICK VON VONDEREN 98 APP 001**

The Board requested that Patrick Von Vonderen submit three 1004 forms of non-federal related case studies. Upon receipt, Sharon Fielder will review the case studies.

**MOTION:** Roger Roslansky moved, seconded by Mark Kowbel, to remove the limitations after review of the three appraisals submitted to Sharon Fiedler for approval subject to compliance with USPAP. Motion carried unanimously.

#### **JOHN D. WALSH 00 APP 016**

The Board has requested a proposed stipulation signed by both parties indicating that he is surrendering his commercial license.

### **CASE CLOSINGS**

None.

#### **PROPOSED DECISION JAMES BUCHTA AND JOHN DALBY LS0308221APP**

**MOTION:** Sharon Fiedler moved, seconded by Mark Kowbel, to adopt the Final Decision and Order in the matter of disciplinary proceedings against **James G. Buchta and John Dalby**. Motion carried unanimously.

### **STIPULATIONS**

#### **PAUL D. ALLEN APP 033, 01 APP 013, 02 APP 015**

**MOTION:** Mark Kowbel moved, seconded by Roger Roslansky, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter

concerning **Paul D. Allen 01 APP 033, 01 APP 013 and 02 APP 015.**  
Patrick Buckett and Sharon Fiedler abstained. Motion carried.

**DWAIN L. JOHNSON 02 APP 033**

**MOTION:** Mark Kowbel moved, seconded by Patrick Buckett, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Dwain L. Johnson 02 APP 033.** Case Advisor Sharon Fiedler abstained. Motion carried.

**DEAN A PARKIN 02 APP 050**

**MOTION:** Roger Roslansky moved, seconded by Patrick Buckett, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Dean A. Parkin 02 APP 050.** Case Advisor Sharon Fiedler abstained. Motion carried.

**JOSEPH P. HASELWANDER 99 APP 015, 01 APP 008, 01 APP 036**

**MOTION:** Patrick Buckett moved, seconded by Roger Roslansky, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Joseph P. Haselwander 99 APP 015, 01 APP 008 and 01 APP 036.** Case Advisor LaMarr Franklin abstained. Motion carried.

**ROBERT H. CLEWLOW 99 APP 017**

**MOTION:** Sharon Fiedler moved, seconded by Patrick Buckett, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Robert H. Clewlow 99 APP 017.** Motion carried unanimously.

**PAUL J. SHORE 99 APP 007**

**MOTION:** Sharon Fiedler moved, seconded by Mark Kowbel, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Paul J. Shore 99 APP 007.** Motion carried unanimously.

**RAYMOND A. CHRIST 03 APP 003**

**MOTION:** Roger Roslansky moved, seconded by Sharon Fielder, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Raymond A. Christ 03 APP 003.** Case Advisor Mark Kowbel abstained. Motion carried.



**DARRIN J. LEBRUN 03 APP 014**

**MOTION:** Mark Kowbel moved, seconded by Roger Roslansky, to adopt the Stipulation, Findings of Fact, Conclusions of Law, and Order in the matter concerning **Darrin J. Lebrun 03 APP 014**. Case Advisor-Patrick Buckett abstained. Motion carried.

**ADMINISTRATIVE WARNING**

None.

**CONFER WITH LEGAL COUNSEL**

None.

**SUCH OTHER ITEMS AS AUTHORIZED BY LAW**

None.

**ADJOURNMENT**

**MOTION:** Patrick Buckett moved, seconded by Mark Kowbel, to adjourn the meeting at 12:37 pm. Motion carried unanimously.

**Next Meeting: August 11, 2004**

**Minutes completed by Pat Schenck**